

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 16<sup>th</sup> day of July, 2007 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor  
Jay Attaway, Mayor Pro Tempore  
Frank Hametner, Council Member  
Vickie Abrego, Council Member  
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE PERSONNEL PRESENT: Mike Sullinger, Interim City Manager  
Allen Lawrence, City Attorney  
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT: None

STAFF PRESENT: Darrell Jones, Police Chief  
Gilbert Ritz, Fire Chief  
Don Brummett, Acting Public Works Director

OTHERS PRESENT: Lu & Ralph Arcemont, Jerry Chandler, Ralph & Karen Gayle, Belinda Ritz, Donna Johnson (Grantworks), Karen Sutton (Grantworks), Veronica Fuentes, Hope Comingore, Bob Chapin, James Comin, Simone Sanders, Bob Wright, Patty Gilden, Rosemary Upton, Perry Ellis, Eva Young, Colleen Abshire, Rickie Kilgore,

(There may have been others present who did not sign in.)

**ITEM 1. CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 p.m. on July 16, 2007.

**ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council Member Abrego gave the invocation. Mayor Knight led the pledge of allegiance to the United States flag.

**ITEM 3. CONSENT AGENDA – “All of the following items on the consent agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the consent agenda and will be considered separately”.**

A. Approval of minutes of July 2 and July 10, 2007.

Mayor Pro Tempore Attaway made the motion to approve the consent agenda. Council Member Mayer seconded the motion and the motion carried unanimously.

**ITEM 4. CONSIDER AND ACT ON APPROVAL OF HOME PRELIMINARY FINAL RANKING LIST.**

Ms. Donna Johnson with Grantworks stated the Council had before them a preliminary ranking list for the HOME grant. She stated from the list of applicants, one homeowner was deceased and one homeowner had not finished the paperwork. Ms. Johnson asked that the Council approve the complete list and she would work with the incompleated homeowner to finish the paperwork to get the homeowner qualified.

The City Manager asked was it too late for anyone to apply for the HOME project now?

Ms. Johnson stated yes, it was too late, the whole process would have to be started over. She stated she would be taking bids for the homeowner’s properties tomorrow.

Ms. Johnson stated she would speak to the deceased homeowner's son to see if he qualified for the project.

Mayor Pro Tempore Attaway made the motion to approve the HOME preliminary final ranking list. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 5. PRESENTATION OF CLICK-IT-OR-TICKET PROGRAM AWARD TO CITY OF ARANSAS PASS BY TEXAS DEPARTMENT OF TRANSPORTATION.**

Mr. Bill Strahn, Traffic Ticket Specialist for the Corpus Christi District of the Texas Department of Transportation, presented the City and Police Department with a check for \$4,000.00 for the City's participation in the Click-It-or-Ticket Safety Belt Drive in May 2007. He stated the City was one of the 318 cities across the State that participated in the program using City funds for the program and 10 of those cities were chosen to receive funding to improve traffic enforcement resources such as radar guns and officer training to improve safety. Police Chief Jones accepted the check on behalf of the City.

Council Member Hametner asked Mr. Strahn if there was a program to increase safety by informing drivers to slow down when it was raining.

Mr. Strahn stated there was a campaign being launched later this month that addressed "speed too fast for conditions," that brings up conditions such as wet roads and icy roads in the north part of the State. He stated he would be bringing that information to the Police Department.

**ITEM 6. CONSIDER AND ACT ON AGREEMENT WITH ARCHITECT FOR CITY HALL ADDITION AND RENOVATIONS.**

Mr. Terry Orf with TKO Architects, stated the cost of the new addition and renovation of City Hall, which included enlarging the Council Chambers and renovating the rest of City Hall, was \$555,000.00 and that included \$150 per square foot for new 3,000 square foot addition with the remainder of the funds for the renovations of the old side of City Hall. The fee associated with the project was approximately 6.8% based on the construction projections.

The City Manager stated the two proposals before Council included WKMC Architects, who could not attend the meeting, for a fee of 9% on a projected cost of approximately \$545,000.00. He stated construction of a new City Hall included with the construction of the civic center had a projected cost of \$2.5M. He stated he and the Finance Director had checked with local banks and can get a loan for the City Hall addition and renovation at 5% which could be paid off in one year.

Council Member Hametner made the motion to approve an agreement with TKO Architects for City Hall addition and renovations. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 7. CONSIDER AND ACT ON THE APPOINTMENTS TO THE ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT.**

After discussion, Mayor Pro Tempore Attaway made the motion to approve the reappointments of Ms. Hope Comingore, Ms. Vickie Abrego and Ms. Karen Gayle, and the appointments of Mr. Tom Ginter in Mr. Mike Sullinger's seat and Mr. Terry Stansberry in Mr. Harold Hees' seat. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 8. CONSIDER AND ACT ON RELEASING TEMPLE OF PRAISE CHURCH FROM HARBOR LEASE 2005-010 AND APPROVING ASSUMPTION OF THE HARBOR LEASE BY CONQUERING LIFE, INC., A NONPROFIT CORPORATION.**

After discussion, Mayor Pro Tempore Attaway made the motion to approve the release of Temple of Praise Church from Harbor Lease 2005-010 and the assumption of same lease by Conquering Life, Inc. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 10. REPORT TO COUNCIL BY WESTON SOLUTIONS ON FINAL LIMITED PHASE 2 ENVIRONMENTAL SITE ASSESSMENT ACTIVITIES AND RESULTS ON LWR, JBS SHRIMP COMPANY, AND COASTLINE RESOURCES PROPERTIES.**

Mr. Bob Chapin with Weston Engineering, summarizing the report given to Council, stated JBS Shrimp Company had a leak (of contaminants) on the property and were cleaning it up, but if JBS failed in their responsibility to the State, (to clean the property) the State would look to the City to clean the property up. He stated Weston had provided a cost estimate in case the City had to clean up approximately 500 cubic yards

of soil with an estimated cost of \$90,000.00 to \$175,000.00. He stated the other choice for cleaning up oil was biological remediation.

Mr. Chapin stated the Coastline Resources property also had petroleum in the soil (with other contaminants). He stated the estimated amount of contaminated soil was 1,800 cubic yards that would have to be removed at an estimated cost of \$250,000.00 to \$400,000.00. He stated another option would be to construct a cap over the contaminated soil at a cost of \$150,000.00 to \$250,000.00. He stated the current GLO contract with the City required the property to be cleared by the TCEQ in one year, but the process would probably take 18 months to two years.

When asked by Mayor Knight, City Attorney Allen Lawrence stated he thought the GLO would work with the City on the timeline to clean up Coastal Resources as the GLO had been very cooperative through the entire process.

Mr. Chapin stated there was still oil contamination on the LWR property. He stated there was approximately 17,000 cubic yards of contaminated soil which was estimated to cost \$2.7M to \$4M to haul away. He stated capping the contaminated area with six inches of soil and two inches of clay would cost an estimated \$650,000.00 and the cap would have to be maintained. He stated an asphalt cap would be more cost effective but would restrict the type of development on the property. He stated a developer might have a concrete cap put on the property.

Discussion was held on the conditions and restrictions associated with use of the LWR property and disposal of the contaminated soil.

**ITEM 9.**                    **CONSIDER AND ACT ON REVISED PROPOSAL TO PERFORM WETLAND STUDY, HIGH-TIDED ELEVATION MAPPING, AND HABITAT CHARACTERIZATION ON LWR PROPERTY FROM WESTON SOLUTIONS.**

After discussion, Council Member Hametner made the motion to approve the revised proposal to perform wetland study, high-tided elevation mapping, and habitat characterization on LWR property from Weston Solutions. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 11.**                    **CONSIDER AND ACT ON AN ORDINANCE MODIFYING NOISE, AMENDING SECTION 18-2, SAME - ILLEGAL ACTS GENERALLY, AND SECTION 18-3, SAME - ILLEGAL ACTS SPECIFICALLY, OF CHAPTER 18, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS; PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tempore Attaway made the motion to untable Item 11. Council Member Abrego seconded the motion and the motion carried unanimously.

Mayor Pro Tempore Attaway made the motion to approve an Ordinance modifying noise, amending Section 18-2, same - illegal acts generally, and Section 18-3, same - illegal acts specifically, of Chapter 18, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Aransas Pass, Texas; providing an effective date. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 12.**                    **REPORTS FROM CITY MANAGER AND STAFF AND PUBLIC COMMENTS:**  
*At this time the Mayor, City Council, Staff and Public comments may be given. Reports or updates on any assignments which include but are not limited to grants, building and development, budgets, financial reports and any other projects may be given. No formal action can be taken on any of these items at this time. Comments will be limited to 3 minutes each.*

The City Manager introduced Mr. Rufino Lozano, San Patricio County Chief Appraiser.

Mr. Lozano stated his office also appraised property in San Patricio County and some of the surrounding counties. He stated he was required by the State to appraise all taxable property at 100% of market value and was always using the past year's information. He stated because of understaffing problems, all properties could not be physically inspected, but approximately 40% of the properties were physically appraised.

When asked Mr. Lozano stated appraisal notices were not sent to anyone whose property values did not go up and property was appraised by areas, not lottery. He stated assessed value and appraised value were two different numbers, appraised value was 100% of the market value and the assessed value was what the tax was based on. By law the assessed value could not be increased more than 10% per year on homestead property.

Mr. Lozano answered questions and heard complaints from the audience on their property appraisals. He stated property owners that had a problem with their appraisals

The City Manager stated there would be an Executive Session at the next Council meeting to evaluate the Fire Chief and Fire Department.

Council Member Hametner made the motion to adjourn the meeting. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

Tommy Knight, Mayor

Ada Owens, City Secretary